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5 UNITED STATES DISTRICT COURT

6 FOR THE DISTRICT OF MASSACHUSETTS

7 ----- x

8 STEVEN HORNE and RONALD BROWN,

9 Plaintiffs,

10 v. Civil Action

11 No. 04-10718-RGS

12 CITY OF BOSTON, SGT. ERIC BULMAN,

13 and SGT. JOHN DAVIN,

14 Defendants.

15 ----- x

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17 DEPOSITION OF LIEUTENANT JOHN J. DAVIN

18 June 29, 2005

19 10:15 a.m.

20 Roach & Wise, LLP

11 hold in terms of what your job was, your specific

12 duties?

13 A. I was the day supervisor.

14 Q. And what's that mean?

15 A. I was the sergeant on days in charge of

16 warrant apprehension, primarily.

17 Q. And at that point were you supervising Ron

18 Brown and Steve Horne?

19 A. Yes.

20 Q. Is that the first time you had ever

21 supervised them?

22 A. Yes.

23 Q. And going to Exhibit 18 which you had signed,

24 answer to interrogatory number 6, I believe you made a

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1 change there where you said -- middle of the page

2 beginning May 22nd, "Davin was transferred into the

3 youth violence strike force and Lieutenant Kevin Foley

4 was the commander." Did I read that correctly?

5 A. Yes. Kevin Foley was the commander.

6 Q. Who was over Kevin Foley?

7 A. Who was the deputy? I believe it was Deputy

8 Dowd, I believe, at the time.

9 Q. What about Captain Conway?

10 A. Captain Conway, it was my understanding, was

11 more of an administrative captain and didn't have

12 direct involvement into what the unit did. I guess in

13 a rank structure, it would go lieutenant -- but he

14 wasn't like a captain of the youth violence strike

15 force.

16 Q. Was he the head of special operations?

17 A. He was the captain of special operations.

18 Q. And what does special operations include?

19 A. At that time it included the bike unit, the

20 youth violence strike force, the bombs, the boats,

21 hazardous material unit, the horses, the canine.

22 Q. And so his -- Special operations would

23 include the youth violence strike force, I believe you

24 said; is that right?

1 A. I believe at that time it did. I'm not -- I
2 know at one point the youth violence strike force fell
3 under the bureau of special operations. Prior to that
4 it was under the bureau of field services, so I don't
5 know exactly what time the switch happened.

6 Q. And any information that Captain Conway would
7 receive would come probably from Lieutenant Foley or
8 one of the sergeants working in the youth violence
9 strike force?

10 A. That would probably be from Lieutenant Foley.

11 Q. What about Lieutenant French when he was
12 there; same thing?

13 MS. TIERNEY: Objection.

14 A. He wasn't there when I was there as a
15 supervisor.

16 Q. He had moved on before --

17 A. Yes.

18 Q. So he had moved on before you got there; is

19 that right?

20 A. Yes.

21 Q. Who took Lieutenant French's position, if you

22 know, Lieutenant Foley?

23 A. Lieutenant Foley, I believe.

24 Q. So looking at Exhibit 18, your answers to

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1 interrogatories, you said -- here it says, "Davin

2 supervised various patrolmen throughout the unit

3 including but not limited to the plaintiffs." That

4 would be Horne and Brown, right?

5 A. Correct.

6 Q. And then you list the other officers there

7 that you supervised, correct?

8 A. Correct.

9 Q. And were these the day shift officers?

10 A. They were.

11 Q. And then you said, "At the same time, Bulman

12 began supervising Detective Robert Fratalia and

13 Detective Frederik Waggett." Do you see that?

14 A. I do.

15 Q. Did Bulman also assist you from time to time

16 in supervising the day shift officers who are listed

17 here?

18 A. Not unless I wasn't there and he took it as

19 an overtime position.

20 Q. Did he ever go out on patrol with them or

21 work with them?

22 A. I would say the function would be more we

23 assisted them if they needed help than him -- You know

24 what I mean? Does that make sense to you? Bulman

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1 would come and assist us if we needed a search warrant

2 or we had a house frozen or something to that effect,

3 and him and his detectives would come and assist us.

4 Q. So Bulman was working with the detectives and

5 from time to time the two --

6 A. Assisted each other.

7 Q. -- the two assisted each other; is that

8 correct?

9 A. Yes, that is correct.

10 Q. But Bulman still had rank over these officers

11 and could come in and supervise them as he wished,

12 correct?

13 MS. TIERNEY: Objection.

14 A. Bulman was a higher rank, but he didn't

15 directly supervise them. I did.

16 Q. On a day-to-day basis you did, right?

17 A. Yes.

18 Q. And when you were off, who took your place in

19 supervising these officers?

20 A. It would be an overtime position hired. One

21 of the sergeants from within the unit would be hired to

22 fill my position.

23 Q. Would that include also Sergeant Bulman from

24 time to time?

1 A. It could, yes.

2 Q. Back to the youth violence strike force, your

3 tenure there. Is it fair to say in looking at Exhibit

4 18, your answer to number 2, that you then left the

5 youth violence strike force and went to district B2 in

6 June of 2004?

7 A. That's correct.

8 Q. And why were you moved to district B2?

9 A. Because I was promoted.

10 Q. To lieutenant?

11 A. Yes.

12 Q. And, again, it was the same process of when

13 you went from patrol -- police officer to sergeant in

14 terms of your being moved to a position where they had

15 a need for you; is that correct?

16 A. Yes, that's correct.

17 Q. And then you went to -- back to mobile

18 operations in April of '05?

19 A. I did.

20 Q. And that's where you are now?

21 A. Yes.

22 Q. Why did you move? Why did they move you

23 there?

24 A. Because there was an opening.

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1 Q. Did you want to go there?

2 A. I did.

3 Q. Did you prefer working there as opposed to

4 district B2?

5 A. I did. I interviewed for the job.

6 Q. Why?

7 A. Because it was a day job and I didn't like

8 working nights.

9 Q. Is the work more interesting in the mobile

10 operations than it is in district B2?

11 A. No.

12 Q. Why was he assigned to a separate office?

13 A. He had an office for the detectives.

14 Q. Did you share your office with the night

15 sergeants?

16 A. I did.

17 Q. And Sergeant Bulman had his own office?

18 A. Yes.

19 Q. Did he share his office with anyone?

20 A. Detectives.

21 Q. And Lieutenant Foley, was he in the building

22 as well?

23 A. He was.

24 Q. I'd like to show you what's been marked as

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1 Exhibit, I believe, 6. I'd like to refer you to the

2 second-to-the-last page where it talks about the youth

3 violence strike force day tour. Is that a correct flow

4 chart, to your memory, as to when you arrived in May of

5 2004?

6 A. To the best of my memory, it is. I wasn't

7 sure if Sergeant O'Connor was there right when I got

8 there or if she came shortly after.

9 Q. So this doesn't show Sergeant Barker or

10 Stratton. Were they -- Did they join later?

11 A. They were night officers.

12 Q. They were night officers. Okay. Otherwise,

13 is this flow chart accurate, to your knowledge?

14 A. To the best of my memory, it is.

15 Q. And the next page is the night tour flow

16 chart on Exhibit 6. Is that correct, to the best of

17 your knowledge, as to what the structure was when you

18 arrived in May of 2000?

19 A. To the best of my knowledge, it is.

20 Q. When you arrived in May of 2000, did you hear

21 any -- about any issues concerning the black officers

22 complaining about racism within the youth violence

23 strike force?

24 MS. TIERNEY: Objection.

1 A. When I arrived there?

2 Q. Yes.

3 A. No, there was no discussion on that. I had
4 heard about it prior to my arrival.

5 Q. What did you hear before you arrived?

6 A. I had just heard --

7 MS. TIERNEY: Objection.

8 A. I had heard that there was some --

9 Q. I'm sorry. Go ahead.

10 A. I just heard that there were accusations
11 made. They had a big meeting. And the issues were
12 resolved.

13 Q. And who told you that?

14 A. I don't remember who told me that
15 specifically. It was more like just talk, district
16 station talk.

17 Q. Now, was this something that you had heard

18 when you were still at B2?

19 A. No. Someone -- I think it was out in

20 district 18 I had heard about it. I might have been

21 out in the motorcycle unit and had heard about it. I

22 don't remember.

23 Q. I'd just like to -- I know you may not

24 remember every specific detail, and as I'm sure your

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1 lawyer might have told you, I don't want you to guess

2 or speculate in today's deposition. I just want to

3 probe your best memory even if it's vague, even if it's

4 incomplete, even if it's partial.

5 So what I'd like to ask you is can you tell

6 me what you can recall any more specifically about what

7 you heard, in terms of what you heard, who you heard it

8 from, and when you heard it?

9 A. I mean I -- I remember hearing -- I don't

10 remember from who or when -- that there was a comment

11 made at a meeting relative to somebody not wanting to

12 send their dog to Dorchester High School, I believe it

13 was. From my memory, I believe I was told Officer

14 Fratalia was the one who made that statement. And I

15 believe from there --

16 That's all I really know. I know lots of

17 other issues I guess came up and they had meetings, and

18 I don't know specifically who or what the meetings were

19 about.

20 Q. Do you remember Horne or Brown's names being

21 mentioned in any of what you heard?

22 MS. TIERNEY: Objection.

23 A. I do remember their -- as being part of the

24 officers that complained.

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1 Q. Did you hear of any other names other than

2 those two as part of the officers who had complained?

3 MS. TIERNEY: Objection.

4 A. I had heard maybe Vance Mills, Dave

5 Singletary, Neva Grice. And that's about it that I can

6 remember.

7 Q. Do you remember any comments being made as to

8 who the most vocal were as to the black officers who

9 were complaining?

10 MS. TIERNEY: Objection.

11 A. No.

12 Q. Are Mills, Singletary, and Grice all black?

13 A. They are.

14 Q. Do you remember anything about the -- what

15 was said about the meetings that you heard about?

16 MS. TIERNEY: Objection.

17 A. I remember somebody had said that at the

18 meeting Officers Horne and Brown or any officers that

19 had any issues were given a chance to bring up the

20 issues at the meeting in open forum, and that I had

21 heard that there was some animosity from other officers

22 because there were no issues brought up.

23 Q. The animosity from other officers meaning

24 white officers or black officers?